IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13296 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

H R KANANI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 13296 of 2000

MR AM PAREKH for Petitioner No. 1

MR KAMLESH C KOTECHA for Petitioner No. 1

GOVERNMENT PLEADER for Respondent No. 1

RULE SERVED BY DS for Respondent No. 1,4

DS AFF.NOT FILED (R) for Respondent No. 2

MR PN BAVISHI for Respondent No. 3

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 20/03/2003

ORAL JUDGEMENT

With the consent of parties, upon note, the matter is taken up for final hearing.

2. The present petition is preferred by the petitioner for challenging the legality and validity of the order, dated 13.2.2000 passed by the respondent No.4 for cancelling the procedure of interview for appointment to the post of Principal in the respondent No.3 school.

3. The contention raised on behalf of the petitioner is that the order came to be passed on the alleged ground of irregularities and/or malpractices committed at the interview. Thereafter, pending the petition the inquiry was held by the Education Inspector and the Education Inspector in his report has found that there is no irregularity or malpractice committed at the interview for the post in question.

4. Mr.Dabhi, Ld.AGP agrees that in the report of the Education Inspector no irregularity is found. The said report is also produced on record and therefore he submits that there is no objection in reconsidering the matter by DEO in the light of the report of the Education Inspector.

5. In the above view of the matter, the DEO, Jamnagar respondent No.4 herein is directed to reconsider the matter afresh for the purpose of giving approval to the procedure of interview in the light of report of the Education Inspector forwarded to the DEO, Jamnagar copy whereof is produced with the affidavit in rejoinder and shall render appropriate decision in accordance with law within a period of two months from the date of receipt of writ of this court. It is made clear that if the DEO finds that there is no irregularity, it will be open to him to grant approval to the process of interview in accordance with law and the order, dated 13.12.2000 passed earlier by the DEO shall not operate as bar in granting such approval.

6. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs. DS permitted.

20.3.03 (JAYANT PATEL,J)